

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JAMES R. PETERSEN,
Petitioner,

v.

Case No. 12-CV-00200

JOHN PAQUIN, Warden,
Racine Correctional Institution,
Respondent.

DECISION AND ORDER

On February 27, 2012, James Petersen filed this petition pursuant to 28 U.S.C. § 2254, and, on April 26, 2012, he filed an amended petition. Petitioner was convicted in Iron County Circuit Court of first degree sexual assault of a child, and he is currently incarcerated at Racine Correctional Institution. Pursuant to Rule 4 of the Rules Governing § 2254 Cases, I must give the case prompt initial consideration.

If it plainly appears from the face of the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner. If the petition is not dismissed, the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.

Rule 4, Rules Governing § 2254 Cases. During my initial review of habeas petitions, I look to see whether the petitioner has set forth cognizable constitutional or federal law claims.

Petitioner claims that the statute he was convicted under, Wisconsin Statute § 948.02, was not validly enacted because it does not comply with Article IV, § 17 of the Wisconsin constitution. This section of the state constitution requires all laws to contain certain enacting language. As a result, petitioner contends that the law is invalid and that

the Iron County Circuit Court did not have jurisdiction to convict him. Petitioner does not, however, claim that the law he was convicted under violates either the United States Constitution or any other federal law. As a result, the petition does not set forth a cognizable claim under 28 U.S.C. § 2254. Section 2254 only grants me the authority to issue a writ of habeas corpus on the ground that a person is in custody “in violation of the Constitution or laws or treaties of the United States.”

THEREFORE, IT IS ORDERED that this case is **DISMISSED**.

Dated at Milwaukee, Wisconsin, this 11th day of May 2012.

s/ Lynn Adelman
LYNN ADELMAN
District Judge